



U.S. Department of Justice

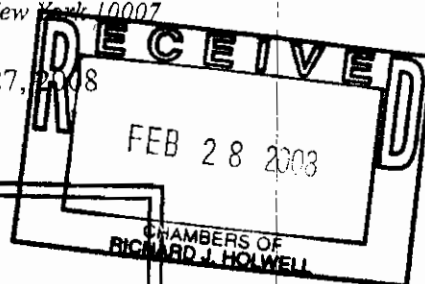
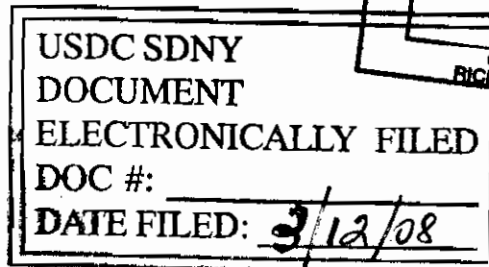
*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd Floor
New York, New York 10007*

February 27, 2008

BY FAX 212.805.7948

The Honorable Richard J. Holwell
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007
Telephone: 212.805.0256
Facsimile: 212.805.7948



Re: *Nunez v. United States of America*, 07 Civ. 3795 (RJH)

Dear Judge Holwell:

I write respectfully to request a two-month extension of the discovery schedule in this Federal Tort Claims Act action against the United State of America (the "Government"). This is the Government's second request for an extension of the discovery schedule. The Government propounded discovery requests to the plaintiff on October 30, 2007. The plaintiff has not yet responded. Fact discovery is scheduled to close in this case on February 29, 2008. Before deposing the plaintiff, the Government needs to obtain responses to its discovery requests. Counsel for plaintiff has indicated that he is readying responses to the Government's discovery requests. In addition, not all of plaintiff's medical providers have responded to the Government's subpoenas for medical records. Counsel for the Government is currently attempting to obtain compliance from these third-parties.

In light of the foregoing, the Government requests the following changes to the scheduling order:

1. The close of fact discovery from February 29, 2008 to April 30, 2008.
2. The due date for Rule 26(a)(2) disclosures, including expert reports, from February 29, 2008 to April 30, 2008.
3. The close of expert discovery from April 11, 2008 to June 11, 2008.
4. The due date for case dispositive motions from May 1, 2008 to July 1, 2008.
5. The final pre-trial order from May 9, 2008 to July 9, 2008.
6. The trial ready date from July 1, 2008 to September 1, 2008.

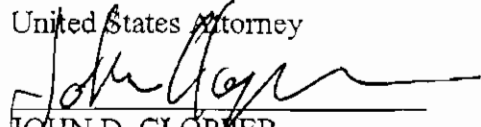
Plaintiff's counsel consents to this request for an extension of the discovery schedule. In addition, the Court has currently scheduled a status conference in this case for March 14, 2008 at 10:00 a.m. Government counsel respectfully requests that the conference be deferred until the close of fact discovery, at a date and time convenient for the Court.

Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


JOHN D. CLOPPER
Assistant United States Attorney
Telephone: (212) 637-2716
Facsimile: (212) 637-0033
john.clopper@usdoj.gov

cc: BY FAX 212.679.9195
Harold Chetrick, Esq.
The Lincoln Building
60 East 42nd St.
Suite 445
New York, NY 10165

Application Granted
No further extensions
absent extraordinary
circumstances.

NEXT PTC
5/16/08 @ 10:00 AM

SO ORDERED



USAJ

3/12/08